

Remarks

Claims 1-16 were pending in this application and rejected by the Examiner. With entry of this response, claims 1 and 13 have been amended. No claims have been added or deleted.

Enablement Rejections

The Examiner rejected claims 1-16 under 35 U.S.C. §112 as allegedly lacking enablement. According to the Examiner, the specification does not enable the use of Agrobacterium-mediated transformation in the present methods. Applicants continue to assert that one of skill in the art can readily use Agrobacterium based on the knowledge available in the art. However, to further prosecution of this application, Applicants have amended the claims to recite particle bombardment as the DNA delivery method. Applicants respectfully request that the rejection be withdrawn.

Prior Art Rejections

The Examiner rejected claim 1 under 35 U.S.C. §102 as allegedly being anticipated by Fry et al. (US 5631152). Fry describes a general method for regenerating a transformed wheat plant that contains foreign DNA comprising:


- a) isolating regenerable tissue from the plant;
- b) inserting into the regenerable tissue the foreign DNA where the foreign DNA comprises a selectable DNA sequence, where the sequence can function in a regenerable tissue as a selection device;
- c) between about one day to about three weeks after step b) placing the regenerable tissue from step b) in a medium capable of producing shoots from the tissue where the medium further contains a compound used to select regenerable tissue containing the selectable DNA sequences; and
- d) after at least one shoot has formed from step c), transferring the shoot to a second medium capable of producing roots from the shoot. (See Fry, Summary of Invention).

The presently amended claims are also directed to methods of generating transgenic plants from a wheat explant. But these amended claims are directed to methods of generating multiple plants from a single explant via direct organogenesis (see Specification, page 5). Fry does not teach or suggest this specific method. Accordingly, Applicants respectfully request that the rejection be withdrawn.

The Examiner also rejected claims 2-16 as allegedly being obvious over Zhou, Tegeder, Weeks, and Cheng. As Applicants have noted above, none of the cited references, alone or in combination, teach or suggest a method of generating multiple transgenic wheat plants from a single explant. Accordingly, Applicants respectfully request that the rejection be withdrawn.

If any further action is needed for allowance, Applicants request that the Examiner contact the undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'M. Todd Rands', written in a cursive style.

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